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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,577	07/13/2001	Yuki Matsushima	210041US2	9613
22850	7590	06/17/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BAYAT, ALI	
		ART UNIT	PAPER NUMBER	
		2625	7	
DATE MAILED: 06/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/903,577	MATSUSHIMA, YUKI	
	Examiner	Art Unit	
	Ali Bayat	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazoe et al. (U.S. 6,694,051).

In regard to claim 1, Yamazoe provides for an image processing apparatus, comprising: an image input device configured to input image data (Fig.9 step 12, col.12 lines 49-53); an image condition determining device configured to determine whether the input image data input by said image input device is in a true backlight condition or in a halation condition (Fig.9 step 12, col.12 lines 49-67); and a processing device configured to perform a specific process (Fig.9 steps 13-17, col.12 lines 49-67) on the input image data based on the condition of the input image data determined by said image condition determining device (Fig.9, step 12).

With regard to claims 2, 6, 10 and 14 Yamazoe provides for an image processing apparatus/method, wherein image condition determining device generates a histogram showing a luminance of the image data based on the input image data (Fig.9 step 13,

col.12 lines 49-67) and evaluates a polarization degree of the histogram so as to determine the condition of the input image data (Fig.9 step 12, col.12 lines 49-53).

As to claims 3, 7, 11 and 15 Yamazoe provides for an image apparatus/method, wherein image condition determining device evaluates the polarization degree of the histogram using frequency and gradient values of the histogram (Fig.9 steps 13-17, col.12 lines 54-63, also col.8 lines 33-40).

In regard to claims 4, 8, 12 and 16 Yamazoe provides for an image apparatus/method, wherein the specific process performed by processing device includes a dynamic range correction and a tone curve correction to be performed on the input image data based on the determination made by said image condition determining device (Fig.'s 17 and 18, col.17 line 62-col.18 line 6).

With regard to claims 5 and 9 see claim 1 above. They recite similar limitations as claim 1. Hence they are similarly analyzed and rejected.

As to claim 13 see claim 1 above. It recited similar limitations as claim 1. Except for a compute code (col.24 lines 26-45). Hence it is similarly analyzed and rejected.

With regard to claims 17-20, Yamazoe provides for a computer readable recording medium configured to record the computer program product (col.24 lines 42-45).

Other Cited References

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0171852 A1 to Zhang et al. is cited for system and method for digital image tone mapping using an adaptive sigmoidal function based on perceptual preference guidelines.

US 2003/0179398 A1 to Takano et al. is cited for image processing method and image forming apparatus.

US 2004/0022434 A1 to Yamazo et al. is cited for image processing method and apparatus and storage medium.

US patent 6,577,751 to Yammoto is cited for image processing method capable of correcting red eye problem.

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915. The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Bayat 
Patent examiner
Group Art Unit 2625
6/12/04



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